

# IPC Infrastructure Planning Commission

## Meeting Note

<b>File reference</b>	<b>Offshore Consenting Forum, Non-case Specific</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Hannah Pratt</b>

<b>Meeting with</b>	<b>Countryside Council for Wales (CCW), English Heritage (EH), Joint Nature Conservation Committee (JNCC), Marine Management Organisation (MMO), Natural England (NE) and Welsh Government (WG)</b>
<b>Meeting date</b>	<b>01 December 2011</b>
<b>Attendees (IPC)</b>	Sheila Twidle, Tim Hallam, David Price, Hannah Pratt
<b>Attendees (non IPC)</b>	<u>CCW</u> : Jessica Orr <u>EH</u> : Chris Pater <u>JNCC</u> : Lucy Greenhill <u>MMO</u> : Ross Hodson, Nat Percival <u>NE</u> : James Bussell, Sarah Wiggins <u>WG</u> : Tamsin Brown <u>Cadw</u> : Polly Groom
<b>Location</b>	<b>IPC Offices, Temple Quay House, Bristol</b>

<b>Meeting purpose</b>	To discuss environmental and other issues related to proposed marine projects under the Planning Act 2008 regime with key statutory consultees / consenting bodies.
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<b>Summary of outcomes</b>	<p><b>1. Presentations</b></p> <p>The group delivered the following presentations:</p> <ul style="list-style-type: none"> <li>• IPC: 'Marine projects under the Planning Act 2008 Regime' detailing amongst other matters the IPC's role, the likely content of a Development Consent Order (DCO) application, relevant key considerations in relation to the marine environment, and the future of nationally significant infrastructure planning post April 2012.</li> <li>• CCW: 'Responsibilities and functions' detailing internal processes for dealing with casework, key interactions with regulators and other stakeholders, key contacts, work on the Single Environmental Body in Wales, and CCW internal Operational Procedure Notice (OPN) for casework (with an emphasis on the marine side of casework).</li> <li>• JNCC: 'The Role of the Joint Nature Conservation Committee' detailing work streams (including site</li> </ul>
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protection, marine mapping, marine policy advice and marine management advice), consultations, transboundary working and the UK Marine Protected Area network.

## **2. English Heritage and wreck finds**

EH explained that there is no UK authority for heritage assets in waters outside of UK territorial waters adjacent to England and Wales (i.e. >12nm). However, EH may provide advice and assistance regarding foreign monuments under the National Heritage Act 1983, as amended by the National Heritage Act 2002.

EH also outlined other relevant legislation including the Merchant Shipping Act 1995, and clarified the process of reporting wreck finds. It is a legal requirement under the Merchant Shipping Act 1995 to report all wreck material found in or brought into UK territorial waters or landed in the UK to the Receiver of Wrecks (located within the Maritime and Coastguard Agency), whether recovered from within or outside UK territorial waters. It was noted that foreign wrecks/monuments in UK territorial waters will be the responsibility of the UK, however if such wrecks/monuments are to be moved then there would be a requirement to consult with the foreign government concerned.

EH highlighted the need for developers to engage in dialogue with EH at an early stage to inform archaeological methods to devise a Written Scheme of Investigation (WSI).

It was explained that in Wales, Cadw provide archaeological and cultural heritage advice to the Marine Consents Unit of the Welsh Government who issue marine licences inside UK territorial waters adjacent to Wales. Cadw would consult with the Royal Commission on Ancient and Historical Monuments of Wales in the process of providing this advice.

## **3. Habitats Regulations Assessment (HRA)**

Non-IPC attendees queried how their views would be sought on HRA documents submitted with a DCO application, in particular how possible concerns they have regarding an HRA assessment would be highlighted to the examining authority. The IPC explained that they are unable to consult during the 28 day acceptance period, and are unable to request further information during this time (with the exception of formal statutory consultation responses). However, it is likely that Examining Authorities would ask questions of the statutory nature conservation

bodies (SNCB), and the SNCB's would be able to make written representations, during the examination stage. The IPC strongly encourages applicants in their consultation report and in any other relevant application documents to identify any matters that they have agreed/not agreed with the SNCB's. This should be evidenced by applicants including relevant copy correspondence to and from the SNCB's with their applications. In addition the SNCB's could copy the IPC into pre-application correspondence with developers, so that the IPC is made aware of any potential outstanding issues.

Non-IPC attendees queried if it would be possible for the IPC to attend pre-application meetings on HRA matters, for example between developers and the SNCB's. The IPC agreed to discuss this internally before deciding whether this type of involvement would be appropriate.

*Post meeting note:*

At the meeting, non-IPC attendees enquired as to the HRA process once the Competent Authority is the Secretary of State (SoS). It is likely that the IPC (by that time PINS) will undertake a shadow appropriate assessment which will be forwarded to the SoS. During their 3 month decision-making stage, the SoS will have to be satisfied that he or she agrees with the shadow assessment's conclusions.

#### **4. Inception Meetings**

It was agreed that it would be useful for the SNCB's to attend some inception meetings for projects, to meet local planning authorities with the aim of improving communication between parties and highlighting or resolving issues prior to application.

#### **5. Terms of Reference**

The IPC explained that they have incorporated comments received from non-IPC by attendees on the previous draft of the Terms of Reference (TOR). The TOR is being produced to clearly set out the purpose and objectives of the Offshore Consenting Forum. A final draft of the ToR was issued in the meeting and any further comments received by the IPC would be taken into account before finalising the ToR.

#### **6. AOB**

The IPC issued a current version of their programme of projects, which is also available on its web site.

The MMO explained that they are producing a non-statutory guidance note detailing how they will work with

	<p>developers and other consultees during the pre-application phase. The guidance will explain how they anticipate working towards getting a draft marine license to an agreed stage.</p> <p>Non-IPC attendees queried how they can be involved in the development of IPC Advice Notes. The IPC explained that they do not consult on advice or guidance notes, but do keep them under review. Therefore, if non-IPC attendees wished, they could submit their comments to the IPC for their consideration.</p>
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<b>Specific decisions/follow up required?</b>	<ol style="list-style-type: none"> <li>1. IPC to email an electronic copy of the current version of their programme of projects to non-IPC attendees.</li> <li>2. JNCC to circulate an electronic version of their presentation to other attendees.</li> <li>3. IPC to inform non-IPC attendees of proposed inception meetings for developments with marine elements.</li> <li>4. CCW to circulate their OPN to attendees.</li> <li>5. Non-IPC attendees to provide any final comments on the ToR by 20 January 2012 date, prior to finalisation by the IPC.</li> </ol>
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<b>Circulation List</b>	<p>All attendees</p> <p>Plus Sarah Wood (CCW), Tammy Smalley (NE), Shaun Nicholson (MMO).</p>
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